

# OFFICIAL GAZETTE



## GOVERNMENT OF GOA, DAMAN AND DIU

### GOVERNMENT OF GOA, DAMAN AND DIU

#### General Administration Department

Order

No. 1-1-68-GAD-III

Read: Order of even number dated 23-10-72.

In partial modification of the above order dated 23-10-72, the Earned Leave granted to Shri N. D. Vengurlekar, Mamlatdar, Salcete from 23-10-72 to 2-11-72 with permission to prefix 22-10-72 (Sunday), is reduced by two days since he could avail of the leave only from 25-10-72.

By order and in the name of the Administrator of Goa, Daman and Diu.

M. K. Bhandari, Deputy Secretary (Appointments).

Panaji, 30th November, 1972.

#### Special Department

Order

No. SPL-PER-389

In exercise of the powers conferred on him by the Government of India, Ministry of Home Affairs O. M. No. 33/22/68-Estt(3) dated 30th January, 1969, the Administrator of the Union Territory of Goa, Daman and Diu is pleased to re-employ Shri V. N. Kulkarni as Director of Land Survey (grade II post of Goa, Daman and Diu Civil Service) for a period of one year with effect from 30th November, 1972.

With effect from the same date, Shri Virendra Singh, Dy. Collector North Division (Panaji) is relieved of the additional charge of the post of Director of Land Survey.

This issues with the approval of the Govt. of India, Ministry of Home Affairs contained in their wireless message ro. 2/24/72-UTS dated 28th November, 1972.

By order and in the name of the Administrator of Goa, Daman and Diu.

M. K. Bhandare, Deputy Secretary (Appointments).

Panaji, 9th December, 1972.

#### Confidential and Vigilance Department

Order

No. 12-2-68-CVD

Shri T. Kipgen, Chief Secretary to the Government of Goa, Daman and Diu is appointed as Chief Vigilance Officer in

this Territory with effect from the date of his taking over as Chief Secretary. His appointment is made in consultation with the Central Vigilance Commission.

By order and in the name of the Administrator of Goa, Daman and Diu.

M. K. Bhandare, Deputy Secretary (Appointments).

Panaji, 11th December, 1972.

#### Home Department 'A'

Notification

No. HD-34-6054/69-A

On the recommendation of the Union Public Service Commission, the Lieutenant Governor of Goa, Daman and Diu, is pleased to confirm Dr. N. V. Naik in the post of Police Medical Officer, Class I of the Police Department of Goa, Daman and Diu, with effect from 24th November, 1972.

By order and in the name of the Lieutenant Governor of Goa, Daman and Diu.

G. M. Sardesai, Under Secretary (Home).

Panaji, 13th December, 1972.

#### Finance (Revenue) Department

Notification

No. Fin(Rev)/2-41/Part/2/70

In exercise of the powers conferred by sub-section (3) of Section 5 of the Goa, Daman and Diu Entertainment Tax Act, 1964, Government is pleased to exempt from the payment of Entertainment Tax the tickets issued for "the Quwali-cum-Dance Programme to be held in Damodar theatre, Sambhaji on 9-12-72 at 8.30 p. m. organised by Hamdard Educational Society, Sambhaji".

2. The exemption is subject to the condition that the entire proceeds accrued from the "Quwali-cum-Dance Programme" without deduction of expenses are credited to the funds of Hamdard Educational Society and are utilised for the building of Anjuman Himayatul Islam High School, Sambhaji.

3. The President, Hamdard Educational Society, Sambhaji should submit the accounts to the Commissioner of Entertainment Tax, Panaji as and when the same are required by him.

4. All the tickets proposed to be sold for this programme should bear the seal of the prescribed officer or of his office.

By order and in the name of the Administrator of Goa, Daman and Diu.

N. P. S. Nagorcencar, Under Secretary (Finance).

Panaji, 7th December, 1972.

## Notification

No. Fin(Rev)/2-41/Part/2/2547/72

In exercise of the powers conferred by sub-section (3) of Section 5 of the Goa, Daman and Diu Entertainment Tax Act, 1964, Government is pleased to exempt from the payment of Entertainment Tax the tickets issued for the Senior Division League Football Matches to be held in Goa from 9th December, 72 to end of January, 73 organized by the Goa Football Association.

2. The exemption is subject to the condition that the entire proceeds accrued from the Matches without deduction of expenses are credited to the funds of The Goa Football Association and are utilised for sports activities only.

3. The Secretary should submit the accounts to the Commissioner of Entertainment Tax, Panaji as and when the same are required by him.

4. All the tickets proposed to be sold for these matches should bear the seal of the prescribed officer or of his office.

By order and in the name of the Administrator of Goa,  
Daman and Diu.

N. P. S. Nagorcencar, Under Secretary (Finance).

Panaji, 7th December, 1972.

## Notification

No. Fin(Rev)/2-41/Part/2/2593/70

In exercise of the powers conferred by sub-section (3) of Section 5 of the Goa, Daman and Diu Entertainment Tax Act, 1964, Government is pleased to exempt from the payment of Entertainment Tax the tickets issued for the screening of the film «THE POEM OF THE DANCES» at Cine National, Panaji on 15th December, 1972 at 10.00 p. m., organised by Goa Cine Club 1972, Panaji.

2. The exemption is subject to the condition that the entire proceeds, if any, accrued from the film show without deduction of expenses are credited to the funds of Goa Cine Club 1972, Panaji and are utilised for cultural activities only.

3. The organisers of the film show should submit the accounts to the Commissioner of Entertainment Tax, Panaji, as and when the same are required by him.

4. All the tickets proposed to be sold for this film show should bear the seal of the prescribed officer or of his office.

By order and in the name of the Administrator of Goa,  
Daman and Diu.

N. P. S. Nagorcencar, Under Secretary (Finance).

Panaji, 13th December, 1972.

## Notification

No. Fin(Rev)/2-41/Part/2/2539/70

In exercise of the powers conferred by sub-section (3) of Section 5 of the Goa, Daman and Diu Entertainment Tax Act, 1964, Government is pleased to exempt from the payment of Entertainment Tax the tickets issued for the Konkani drama «NOXIBANTLEM CHUKONA» to be staged at Arambol (Pernem) in aid of the Church, on 14-1-1973, organised by Shri Sebastian Fernandes and other of Arambol.

2. The exemption is subject to the condition that the entire proceeds accrued from the drama without deduction of expenses are credited to the funds of the Arambol Church and are utilised for the repairs of the said Church only.

3. Shri Sebastian Fernandes should submit the accounts to the Commissioner of Entertainment Tax, Panaji, as and when the same are required by him.

4. All the tickets proposed to be sold for this drama should bear the seal of the prescribed officer or of his office.

By order and in the name of the Administrator of Goa,  
Daman and Diu.

N. P. S. Nagorcencar, Under Secretary (Finance).

Panaji, 14th December, 1972.

## Revenue Department

## Notification

No. RD/TNC/BMD/280/67-72/LII

In pursuance of the proviso to sub-section (3) of Section 26 of the Goa, Daman and Diu Agricultural Tenancy Act, 1964, the Government hereby specify the following bunds prescribed in the schedule appended hereto as protective bunds for the purpose of the said proviso:—

## SCHEDULE

Sr. No.	Name of the bund	Village	Taluka	Approximate area protected (in Hectares)	Description of the bund
1	2	3	4	5	6
1	Murda-Cole Cantor Casan Bandurli	Merces	Tiswadi	107	The bund starting with the «Zonacho Agor», belonging to Shri Zonacho Redkar, and ending with the paddy field «Casan Bandurli», belonging to the Comunidade of Morombi-o-Pequeno, running marginal to the tributary of River Mandovi.
2	Macabache Tale Vaipoinchem Khazan Fursache Made	Carmona	Salcete	30	The bund starting with the paddy field «Macabache Tale» belonging to Smt. Mariana Fernandes and ending with the paddy field «Fursache Made», belonging to Shri Giri Godde running marginal to river Sal, situated at Carmona of Salcete Taluka.
3	Nalla Cantor	Cundaim	Ponda	25	The bund starting with the paddy field «Nalla Cantor», belonging to the Comunidade of Cundaim, running marginal to the canal Cumbarjua and ending with the paddy field Nalla Cantor», belonging to the said Comunidade of Cundaim, and situated at Cundaim of Ponda Taluka.
4	Cantorla Benal Canture Und Khazan Canture	Undir (Bandora)	Ponda	25	The bund starting with the paddy field «Cantorla», belonging to Shri Gurudas Gaunekar and ending with the paddy field «Cantor», belonging to Shri Agostinho Fernandes running marginal to the creek of River Zuari.

1	2	3	4	5	6
5	i) Donim Tondam Polm or Bobea Gosone ii) Carea Casone	Mangan Kindalebag	Canacona	12	The bund starting with the paddy field «Donim Tondan Poin», belonging to Shri Antonio Francisco Quirino Gomes, running marginal to the river Talpona and ending in the property of Shri Francisco Xavier, situated at Kindalebay at Canacona Taluka.
6	Bhata Bandh	Poinguinim	Canacona	15	The bund starting with the paddy field belonging to the proprietor Shri Purushottam Krishna F. Dessai and ending with the d/s bhandara of the paddy field belonging to Shri Swami Partagal Math situated at Poinguinim, running marginal to the river Galgibag.
7	Benkhazan	Lollem	Canacona	15	The bund starting with the paddy field belonging to the proprietor Shri Yeshwant Venkatesh Prabhu Malyia and ending with d/s Bhandara of the proprietor Shri Rama Anant Prabhu, situated at Lollem running marginal to the river Galgibag.
8	Calchac Khazan	Curtorim	Salcete	10	The bund starting with the paddy field «Calchac Khasan» belonging to Comunidade of Curtorim running marginal to the river Zuari and ending with the paddy field «Calchac Khasan» belonging to Comunidade of Curtorim, situated at Curtorim, of Salcete Taluka.
9	(i) Cantor (ii) Amta (iii) Nerda (iv) Silpa (v) Pilo (vi) Tilcasan	Neura-o- Grande	Tiswadi	100	The bund starting with the paddy field «Cantor» belonging to Comunidade of Neura-o-Grande running marginal to the tributary of canal Cumbarjua and ending with the paddy field «Tilcasan» belonging to Shri Lourenco Braganca and situated at Neura-o-Grande of Goa Taluka.
10	Pate Cantor	St. Cruz	Tiswadi	100	The bund starting with the paddy field «Pate Cantor» belonging to the Comunidade of Calapur and ending with the «Zonacho Agor» belonging to Shri Zonacho Redkar running marginal to the tributary of river Mandovi.

By order and in the name of the Administrator of Goa, Daman and Diu.

F. A. Figueiredo, Under Secretary (Revenue).

Panaji, 11th December, 1972.

#### Office of the Collector and D. C. A.

##### Order

No. COL/CAB/1456

Under the proposal of the Administrator of Salcete Comunidades, the following persons are appointed as members of the Managing Committee of the Comunidade of Chinchinim:

Cashier: Octaviano da Costa.

Substitute: Anacleto Luis Gonzaga Bengala de Boa Viagem Antão.

S. R. Arya, Collector and DCA.

Panaji, 9th December, 1972.

#### Office of the Collector of Daman

##### Notification

No. COL/IRC/178/72/2397

In partial modification of Notification No. COL/IRC/178/72/1387 dated 8th June, 1972 published in Government Gazette, Series II, No. 13 on page 99 dated 29th June, 1972 and in exercise of the powers conferred by section 4 of the Goa, Daman and Diu Land Revenue Code, 1968 read with Government Notification No. IRD/IRC/47/71/II dated 26th February, 1971, published on page 440 Series II, No. 49 of the Government Gazette dated 5th March, 1971, I, Jagdish Sagar, Collector of Daman hereby appoint the officer shown in Col. 2 of the Schedule annexed hereto to exercise the powers and

discharge the duties of a Mamlatdar under the code within the Jurisdiction mentioned in Column 4 of the Schedule with immediate effect.

##### SCHEDULE

Sr. No.	Name of officer	Officer under the Code	Jurisdiction
1.	Shri G. A. Desai, P. A. to Collector-cum-Mamlatdar	Mamlatdar	Daman Taluka

Jagdish Sagar, Collector of Daman.

Daman, 6th October, 1972.

#### Local Self Government Department

##### Order

No. LSG/280/SW/69(1)

Read: — Govt. Order No. LSG/280/SW/69 dated 16-3-71.

The tenure of the functional Committee constituted vide above cited Government Order, for the implementation of the Family and Child Welfare Project in Bardez Block is hereby extended upto 31-3-1973.

By order and in the name of the Administrator of Goa, Daman and Diu.

F. A. Figueiredo, Under Secretary (Revenue).

Panaji, 29th November, 1972.

Order

No. LSG/280/SW/69(ii)

Read:— Government Order No. LSG/280/SW/69 dated 21st September, 1970.

The tenure of the functional Committee constituted vide above cited Government Order, for the implementation of the Family and Child Welfare Project in Quepem Block is hereby extended upto 31-3-1973.

By order and in the name of the Administrator of Goa, Daman and Diu.

F. A. Figueiredo, Under Secretary (Revenue).

Panaji, 29th November, 1972.

Order

No. LSG/280/SW/69(iii)

Read:— Govt. Order No. LSG/280/SW/69 dated 16-3-71.

The tenure of the functional Committee constituted vide above cited Government Order, for the implementation of the Family and Child Welfare Project in Ilhas Block is hereby extended upto 31-3-1973.

By order and in the name of the Administrator of Goa, Daman and Diu.

F. A. Figueiredo, Under Secretary (Revenue).

Panaji, 29th November, 1972.

## Development Department 'A'

Notification

No: CDB/VPT/493/71-72

Whereas the Government vide Notifications Nos. CDB/VPT/528/69-71 dated 4-10-1971 and No. CDB/VPT/493/71-72 dated 7-9-1972 have bifurcated the Village Panchayats comprising villages 1) Varca-Orlim into two separate Village Panchayats viz. i) Varca ii) Orlim and 2) Navelim-Talaulim into i) Navelim ii) Talaulim, respectively.

And whereas the said Notifications have been challenged in the Court of Judicial Commissioner.

And whereas the Court of Judicial Commissioner has granted interim stay against the implementation of the said impugned notifications.

And whereas the elections in the said Village Panchayats could not be held on account of the said interim stay orders.

And whereas on account of the said interim stay orders the four villages viz. Varca, Orlim, Navelim and Talaulim have to be treated as two villages namely Varca-Orlim and Navelim-Talaulim and the administration of the said two Village Panchayats as they existed before the creation of the four villages has to be continued.

And whereas as per notification No. 2-1-71/VP/EL dated 24-5-1972 issued by the Director of Election, Government of Goa, Daman and Diu, the terms of the said two Village Panchayats expire on 18-12-1972 (A. N.).

And whereas a difficulty has arisen for which there is no provision in the Goa, Daman and Diu Village Panchayat Regulation, 1962.

And whereas it is found necessary to remove the said difficulty.

Now, therefore, the Lieutenant Governor of Goa, Daman and Diu in exercise of the powers conferred by section 64 of the Goa, Daman and Diu Village Panchayats Regulation, 1962 (No. 9 of 1962) hereby directs that Shri B. V. Dessai, Block Development Officer, Salcete, Margao shall carry out the current duties and functions of the said Village Pan-

chayats namely 1) Varca-Orlim and 2) Navelim-Talaulim till further orders.

By order and in the name of the Lieutenant Governor of Goa, Daman and Diu.

Abel do Rosario, Under Secretary (Development).

Panaji, 16th December, 1972.

## Industries and Power Department

Notification

No. 5-73-72-IPD/ARF

Whereas one Smt. Amalia Rodrigues Gomes e Figueiredo had been granted a mining lease under title of concession No. 65 dated 7-12-1951 for iron and manganese ores over an area of 58.2700 Ha. at Curpem of Sanguem Taluka.

And Whereas said M/s. Mineira National Ltda. have Figueiredo has failed to conduct mining operations in the area leased to her under the aforesaid title of concession and thus has committed breach of the provisions of clause (f) of sub-rule (1) of Rule 27 of the Mineral Concession Rules, 1960.

And whereas a notice bearing No. DI/MINES/72/71 dated 11-1-72 had been served on said Smt. Rodrigues Gomes e Figueiredo requiring her to remedy the said breach within 60 days from the date of receipt of the notice.

And whereas the said Smt. Rodrigues Gomes e Figueiredo has failed to comply with the notice.

Now, therefore, in exercise of the powers conferred by sub-rule (5) of Rule 27 of the Mineral Concession Rules, 1960 the Lt. Governor of Goa, Daman and Diu hereby determines the said mining lease granted to Smt. Amalia Rodrigues Gomes e Figueiredo under title of concession 65 dated 7-12-1951 with immediate effect, without prejudice to any proceedings that may be taken against her.

By order and in the name of the Lt. Governor of Goa, Daman and Diu.

P. Noronha, Under Secretary, Industries and Labour Department.

Panaji, 27th November, 1972.

Notification

No. 5-73-72-IPD/XA

Whereas one Shri Xec Ayub had been granted a mining lease under title of concession No. 37 dated 17-10-56 for iron ore over an area of 30.8000 Ha. at Cotarli of Sanguem Taluka.

And whereas the said Shri Xec Ayub had failed to conduct mining operations in the area leased to him under the aforesaid title of concession and thus has committed breach of the provisions of clause (f) of sub-rule (1) of Rule 27 of the Mineral Concession Rules, 1960.

And whereas a notice bearing No. DI/Mines/72/990 dated 4-4-72 had been served on said Shri Xec Ayub requiring him to remedy the said breach within 60 days from the date of receipt of the notice.

And whereas the said Shri Xec Ayub has failed to comply with the notice.

Now, therefore, in exercise of the powers conferred by sub-rule (5) of Rule 27 of the Mineral Concession Rules, 1960 the Lt. Governor of Goa, Daman and Diu hereby determines the said mining lease granted to Shri Xec Ayub under title of concession no. 37 dated 17-10-56 with immediate effect, without prejudice to any proceeding that may be taken against him.

By order and in the name of the Lieutenant Governor of Goa, Daman and Diu.

P. Noronha, Under Secretary Industries and Labour Deptt.

Panaji, 29th November, 1972.

## Notification

## No. 5-73-72-IPD-PSK(ii)

Whereas Shri Prabhakar D. Sinai Kudchadkar, had been granted a mining lease under title of concession No. 52 dated 9-6-1952 for ferro-manganese ores over an area of 47.5040 Ha. at Potrem of Sanguem Taluka.

And whereas the said Shri Prabhakar D. Sinai Kudchadkar had failed to conduct mining operations in the area leased to him under the aforesaid title of concession and thus has committed breach of the provisions of clause (f) of sub-rule (1) of Rule 27 of the Mineral Concession Rules, 1960.

And whereas a notice bearing No. DI/Mines/72/608 dated 7-3-72 had been served on said Shri Kudchadkar requiring him to remedy the said breach within 60 days from the date of receipt of the notice.

And whereas the said Shri Kudchadkar has failed to comply with the notice.

Now, therefore, in exercise of the powers conferred by sub-rule (5) of Rule 27 of the Mineral Concession Rules, 1960 the Lt. Governor of Goa, Daman and Diu hereby determines the said mining lease granted to Shri Prabhakar D. Sinai Kudchadkar under title of concession No. 52 dated 9-6-1952 with immediate effect, without prejudice to any proceeding that may be taken against him.

By order and in the name of the Lt. Governor of Goa, Daman and Diu.

P. Noronha, Under Secretary (Industries and Labour).

Panaji, 29th November, 1972.

## Notification

## No. 5-73-72-IPD/ANM

Whereas one Shri Abdul K. Noor Mohamed had been granted a mining lease under title of concession No. 24 dated 3-7-1952 for iron and manganese ores over an area of 38.3250 Ha. at Vadem of Sanguem Taluka.

And whereas the said Shri Abdul K. Noor Mohamed had failed to conduct mining operations in the area leased to him under the aforesaid title of concession and thus has committed breach of the provisions of clause (f) of sub-rule (1) of Rule 27 of the Mineral Concession Rules, 1960.

And whereas a notice bearing No. DI/MINES/72/71 dated 11-1-72 had been served on said Shri Abdul K. Noor Mohamed requiring him to remedy the said breach within 60 days from the date of receipt of the notice.

And whereas the said Shri Abdul K. Noor Mohamed has failed to comply with the notice.

Now, therefore, in exercise of the powers conferred by sub-rule (5) of Rule 27 of the Mineral Concession Rules, 1960 the Lt. Governor of Goa, Daman and Diu hereby determines the said mining lease granted to Shri Abdul K. Noor Mohamed under title of concession No. 24 dated 3-7-1952 with immediate effect, without prejudice to any proceeding that may be taken against him.

By order and in the name of the Lt. Governor of Goa, Daman and Diu.

P. Noronha, Under Secretary (Industries and Labour).

Panaji, 6th December, 1972.

## Notification

## No. 5-73-72-IPD-ANM

Whereas one Shri Abubakar N. Mohamed (Budda Seth) had been granted a mining lease under title of concession no. 14/55 for ferro-manganese ores over an area of 21.7625 Ha. at Banastarim of Ponda Taluka.

And whereas the said Shri Abubakar N. Mohamed (Budda Seth) had failed to conduct mining operations in the area leased to him under the aforesaid title of concessions and thus has committed breach of the provisions of clause (f) of sub-rule (1) of Rule 27 of the Mineral Concession Rules, 1960.

And whereas a notice bearing No. DI/Mines/72/870 dated 1-4-72 had been served on said Shri Abubakar N. Mohamed (Budda Seth) requiring him to remedy the said breach within 60 days from the date of receipt of the notice.

And whereas the said Shri Abubakar N. Mohamed (Budda Seth) has failed to comply with the notice.

Now, therefore, in exercise of the powers conferred by sub-rule (5) of Rule 27 of the Mineral Concession Rules, 1960 the Lt. Governor of Goa, Daman and Diu hereby determines the said mining lease granted to Shri Abubakar N. Mohamed

(Budda Seth) under title of concession No. 14/55 with immediate effect, without prejudice to any proceeding that may be taken against him.

By order and in the name of the Lieutenant Governor of Goa, Daman and Diu.

P. Noronha, Under Secretary, Industries and Labour.

Panaji, 6th December, 1972.

## Notification

## No. 5-73-72-IPD/DASB

Whereas Shri Damodar Ananta Sinai Bobo had been granted a mining lease under title of concession No. 85 dated 28-8-1953 for iron and manganese ores over an area of 36.0500 Ha. at Netorlim of Sanguem Taluka.

And whereas the said Shri Damodar Ananta Sinai Bobo had failed to conduct mining operations in the area leased to him under the aforesaid title of concession and thus has committed breach of the provisions of clause (f) of sub-rule (1) of Rule 27 of the Mineral Concession Rules, 1960.

And whereas a notice bearing No. DI/Mines/72/1112 dated 24-4-72 had been served on said Shri Damodar Ananta Sinai Bobo requiring him to remedy the said breach within 60 days from the date of receipt of the notice.

And whereas the said Shri Damodar Ananta Sinai Bobo has failed to comply with the notice.

Now, therefore, in exercise of the powers conferred by sub-rule (5) of Rule 27 of the Mineral Concession Rules, 1960 the Lt. Governor of Goa, Daman and Diu hereby determines the said mining lease granted to Shri Damodar Ananta Sinai Bobo under title of concession No. 85 dated 28-8-1953 with immediate effect, without prejudice to any proceeding that may be taken against him.

By order and in the name of the Lt. Governor of Goa, Daman and Diu.

P. Noronha, Under Secretary, Industries and Labour.

Panaji, 9th December, 1972.

## Labour and Information Department

## Order

## No. LC/1/ID(29)/72(Arb.)/72

The following award given by the Arbitrator, Shri N. D. Bodade under section 10-A of the Industrial Disputes Act, 1947 (14 of 1947) on the dispute between M/s. Marmagao Motor Transport Cooperative Society Ltd., Sambhaji, and Shri Gonzak Rodrigues, Sambhaji (Goa), is hereby published as required under Section 17 of the Industrial Disputes Act:—

By order and in the name of the Lt. Governor of Goa, Daman and Diu.

P. Noronha, Under Secretary, Industries and Labour.

Panaji, 13th December, 1972.

Before Shri N. D. Bodade, Deputy Chairman, Mormugao Dock Labour Board at Mormugao Harbour, Goa, in the matter of an industrial dispute between the management of Marmagao Motor Transport Co-operative Society Limited and their workman Shri Gonzak Rodrigues, bus driver, over the dismissal of the said worker

## PRESENT

(a) Representing the management:—

Shri A. J. Pereira, Secretary, Marmagao Motor Transport Co-operative Society Limited, Vasco-da-Gama.

(b) Representing the workman:—

Shri S. V. Rao, General Secretary, All Goa General Employees' Union, Vasco da Gama, along with the workman.

Shri N. D. Bodade, Deputy Chairman, Mormugao Dock Labour Board, Arbitrator.

The Labour and Information Department, Government of Goa, Daman and Diu vide their order No. 3/4/72-LAB/921

dated the 17th April, 1972 referred an industrial dispute under Section 10(A) of the Industrial Disputes Act, 1947, to me for my arbitration over the dismissal of one Shri Gonzak Rodrigues, Bus Driver of the Society. The specific matter in dispute is mentioned below:

*«Specific matters in dispute for arbitration».*

Whether the Management of M/s. Marmagao Motor Transport Co-operative Society, Sambhaji, was justified in dismissing Shri Gonzak Rodrigues, driver from their services with effect from 21-9-1971;

If not, to what relief the workman is entitled?».

After receipt of the Gazette Notification in the above dispute by me on 19th July, 1972, the parties to the dispute were requested vide this office letter No. MDLB-2(24)/72 dated 5th September, 1972 to file their written statement in the dispute on or before 21st September, 1972. On receipt of this notice Shri Gonzak Rodrigues, Bus Driver, submitted his written statement vide his letter dated 21st September, 1972, whereas the Chairman, Marmagao Motor Transport Co-operative Society Limited submitted his written statement vide his letter no. MMT/MILB/302/72 dated 23rd September, 1972.

After receipt of the written statements the parties to the dispute were requested to appear before me in my office on 6th October, 1972, at 10.30 hours, but the Secretary, M.M.T.C. who appeared on that date stated that as he had very recently joined that M.M.T.C. he would like to study the whole case and as such requested for postponement of the hearing at least for 15 days. The workman had no objection for this postponement. Accordingly, the hearing was adjourned to a future date.

Thereafter, again the parties to the dispute were requested vide this office letter No. MDLB-2(24)/72 dated 27th October, 1972 to appear before me on 9th November, 1972 at 10.30 hours. The parties accordingly appeared on 9th November, 1972 at 10.30 hours.

*The Management's case in short is as under:—*

Shri Gonzak Rodrigues, Bus Driver, M.M.T.C. on 28-8-1971 went to the Chairman of the Society to demand one month's leave. Chairman told him to put up an application and assured him that the leave will be sanctioned to him after examining his leave record. The workman insisted for immediate sanction of the leave and started arguing with the Chairman arrogantly. At the same time he tried to assault the Chairman with «hecksaw». Because of this misbehaviour of the workman, the Management charge-sheeted him vide letter No. MMT/STAFF/317/71 dated 8th September, 1971 and a departmental enquiry was held on 13th September, 1972 and on the findings of the Enquiry Officer, the managing committee of the Society as required under its registered bye-laws, bye-law No. 37(M) in its meeting dated 20th September, 1971 decided to dismiss Shri Gonzak Rodrigues, Bus Driver from the services of the Society and accordingly a dismissal letter under their letter No. MMT/STAFF/340/71 dated 21st September, 1971 was served on the said workman by registered post with Acknowledgement Due and he was dismissed from service.

*The Workmen's case is as under:—*

In the first week of September, 1971, the worker went to the office and met the ex-Chairman Shri Ahmad for sanction of leave and also demanded weekly off wages. The Chairman called him on 8th September, 1971.

On 8th September, 1971, the worker went to see the Chairman but the Chairman was standing down below the office, near the garage. The worker went to him and met him there. When the worker reminded the Chairman about his leave Shri Ahman, the then Chairman shouted at him. Shri Ahman, it is alleged abused him in filthy language on his mother. At this, the worker told Shri Ahmad not to abuse him. The worker however told him that if he repeated the abuses, he would assault him. Thereafter some of the Society's responsible persons inter-

vened in the matter and the matter was settled on the spot. But to the surprise of the worker, he was served with a charge-sheet with false and fabricated charges. The worker explained his innocence in writing to the Chairman and a farce of enquiry was made by the Society. The workman was not allowed to speak nor to cross-examine not to produce any witnesses.

Thereafter the worker was put back on work on 14-9-1971 and after that dismissal letter dated 21-9-1971 was issued to him. Thereafter the worker requested the Chairman in writing on 25-9-1971 that he should be reinstated with full back wages with continuity of service since the dismissal order was illegal. As the Management did not concede the request of the worker, the worker approached the Labour Commissioner for intervention.

I have heard the parties patiently and have gone through the records placed before me during the hearing.

The worker has alleged that he was not allowed to cross-examine the witness of the Management and that he was not also asked to produce his witnesses. But from the Enquiry Proceedings it is seen that after the examination of every witness from the Management's side, Shri Gonzak Rodrigues was requested by the Enquiry Officer to cross-examine the witness but Shri Gonzak Rodrigues refused to do so. He was also asked by the Enquiry Officer to sign the enquiry papers in token of having made the settlement and that too he refused to sign. As a matter of fact the worker was present during the enquiry proceedings and at one stage the worker states that «all are false statements». This has been recorded by the Enquiry Officer in the proceedings.

As per the statement given by the worker before me the worker alleged that on 8th September 1971, the then Chairman abused him, on his mother. Therefore, it was all the more necessary for this workman to produce witness on his behalf to support these allegations made by him against the Chairman but inspite of a written request made by the Management vide their letter number MMT/Staff/317/71 dated 8th September, 1971, to him, he did not produce any witnesses.

Further from the enquiry proceedings it is seen that this enquiry was conducted by an independent person by name Shri Symal Chattopadhyay who is not in any way connected with the Mormugao Motor Transport Co-operative Society Limited. From the enquiry proceedings and the evidence available on record, it has been amply proved that the said worker tried to assault the Chairman on 8th September, 1971 and also threatened him with assault, etc. ...

In view of this I do not see any reasons as to why I should reverse the decision given by the Management. The Management is perfectly justified in dismissing the worker for the misconduct committed by him and therefore the question of reinstatement and payment of back wages does not arise.

*This is my award*

Dictated by me on this day the 10th November, 1972.

Sd/-

N. D. BODADE

Deputy Chairman Mormugao  
Dock Labour Board Mormugao  
Harbour  
Arbitrator

Mormugao Harbour.

10th September, 1972.

*Corrigendum*

In the Notification no. 5-73-IPD/SKC, dated 27-11-1972, published in the Official Gazette No. 37, Series II, dated 14-12-1972, at page 309, in the 1st and 5th paras, the number of the title of concession should be read as «65/59» instead of «65/69».